

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Richard Miller,

Civil No. 09-3317 (DWF/AJB)

Plaintiff,

v.

ORDER

Governor Tim Pawlenty,

Defendant.

Richard Miller, *Pro Se*, Plaintiff.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated November 24, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, on all of the files and records, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis*, (Doc. No. 2), is **DENIED**; and

2. This action is summarily **DISMISSED** for lack of jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 17, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge